

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CATICE MOSLEY)	
)	
Plaintiff,)	CIVIL ACTION FILE NO.
v.)	1:23-CV-04033-MHC
)	
MERCHANTS DISTRIBUTORS, LLC;)	JURY TRIAL DEMAND
DUSTIN LANE KIRBY; and)	
AON RISK SERVICES SOUTH, INC.,)	
)	
Defendants.)	

**CONSENT MOTION TO JOIN SAFETY NATIONAL CASUALTY CORP
AS A PARTY DEFENDANT AND DISMISS DEFENDANT AON RISK
SERVICES SOUTH, INC WITHOUT PREJUDICE
AND FILE AN AMENDED COMPLAINT**

COMES NOW Plaintiff Catice Mosley, by and through her undersigned counsel, pursuant to Fed. R. Civ. P. 21 and Fed. R. Civ. P. 15, and files this Motion seeking to add Safety National Casualty Corp (“Safety”) as a named defendant, and seeking to dismiss, without prejudice, improperly named defendant AON Risk Services South, Inc. (“AON”).

In support of this Motion, Plaintiff shows that Plaintiff served AON as purported insurer of Defendant Merchants Distributors, LLC. (“Merchants”), pursuant to the direct-action statutes, O.C.G.A. §§ 40-2-140(d) and 40-1-112(c). However, AON is not the proper party because AON is not the insurer of

Defendant Merchants. AON is the broker/agent for Safety. Safety is the insurer of Defendant Merchants and is therefore the proper party to the suit. Furthermore, Safety has received actual notice of this suit and will not be prejudiced by joinder.

For these reasons, Plaintiff respectfully requests that Plaintiff be permitted to add Safety as named defendant and that AON be dismissed from the case without prejudice. Plaintiff further requests that she be allowed to file an amended complaint. To that end, a proposed order is attached as Exhibit A.

Respectfully submitted, this 13th day of September, 2023.

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EXHIBIT A

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Plaintiff,)	CIVIL ACTION FILE NO.
v.)	1:23-CV-04033-MHC
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MERCHANTS DISTRIBUTORS, LLC;)	JURY TRIAL DEMAND
DUSTIN LANE KIRBY; and)	
SAFETY NATIONAL CASUALTY)	
CORP,)	
)	
Defendants.)	

**ORDER GRANTING PLAINTIFF’S MOTION TO DISMISS
AON RISK SERVICES SOUTH, INC. AND JOIN
SAFETY NATIONAL CASUALTY CORP**

Plaintiff’s Motion to dismiss AON Risk Services South, Inc. and join Safety National Casualty Corp and file an Amended Complaint having been read and considered, and it appearing to the Court in the Court’s discretion that good cause is shown, Plaintiff’s motion is **GRANTED** and IT IS HEREBY ORDERED that Safety National Casualty Corp be added as a named defendant and AON Risk Services South, Inc. be dismissed as an improper named defendant, without prejudice. It is further ordered that Plaintiff is permitted to file an amended complaint and that Safety National Casualty Corp shall file a responsive pleading

to Plaintiff's Amended Complaint within 21 days of this Order. The style of the case, set forth in this Order shall reflect the above changes.

SO ORDERED, this _____ day of _____, 2023.

HONORABLE JUDGE
MARK H. COHEN